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8 AND CITY AND COUNTY OF SAN FRANCISCO

9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 ANDREW MARCONI,

Case No. C05-1978 CW

12 Plaintiff,

13 vs.

14 SERGEANT JASON FOX, OFFICER
IAN FURMINGER, OFFICER SIMON
CHAN, ALL OFFICERS INDIVIDUAL
15 AND IN THEIR CAPACITY AS
POLICE OFFICERS FOR THE CITY
16 AND COUNTY OF SAN FRANCISCO,
AND THE CITY AND COUNTY OF
17 SAN FRANCISCO, A MUNICIPAL
CORPORATION, AND DOES 1 - 50,

**ORDER GRANTING AS MODIFIED
STIPULATION MODIFYING THE
CASE MANAGEMENT ORDER TO
EXTEND TIME TO FILE
DISPOSITIVE MOTION**

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19 Date Action Filed: April 18, 2005
Defendants.
Trial Date: February 12, 2007

20 **IT IS STIPULATED BY AND BETWEEN THE PARTIES AS FOLLOWS:**

21 Under the Court's current case management schedule, Defendant's shall file any
22 dispositive motion by May 19, 2006. The deadline to complete fact discovery is August 31,
23 2006. The Parties have endeavored to complete discovery relevant to dispositive issues, but have
24 not yet been able to complete certain key depositions. Specifically, there are three third party
25 witnesses who may provide testimony relevant to dispositive issues who have not yet been
26 deposed due to difficulties in scheduling deposition convenient times. All of these witnesses live
27 out of town and work full time. Two of those witnesses are scheduled to be deposed next week,
28 and Plaintiff's counsel is still trying to locate and arrange a time for the deposition of the third

1 witness. In addition, the Parties would like to complete the depositions of two Defendant
2 officers not yet deposed prior to the deadline for dispositive motions. Defendant Simon Chan is
3 scheduled to be deposed next week, and Defendant Ian Furminger is schedule to be deposed on
4 June 15, 2006.

5 The Parties have met and conferred about narrowing issues for any potential motions and
6 believe the above referenced discovery is necessary before any agreements about narrowing
7 issues can be reached. The Parties also believe that it would be more efficient if they could reach
8 any such agreement before time and resources are spent briefing issues upon which the Parties
9 may agree once this discovery is completed. Thus, the Parties stipulate to the extension of time
10 to Defendant's to file any dispositive motion until June 23, 2006 and respectfully request that the
11 Court order that extension. The Parties have not sought any prior extensions. The parties also
12 stipulate to change the due date for Plaintiff's opposition brief to July 7, 2006 and the due date
13 for Defendant's reply to July 14, 2006.

14 Dated: May 17, 2006

15 DENNIS J. HERRERA
16 City Attorney
17 JOANNE HOEPER
18 Chief Trial Deputy
19 ELIZABETH DEELEY
20 Deputy City Attorney

21 By: /s/Elizabeth Deeley
22 ELIZABETH DEELEY
23 Attorneys for Defendants
24 JASON FOX, IAN FURMINGER, SIMON CHAN
25 AND CITY AND COUNTY OF SAN
26 FRANCISCO

27 Dated: May 11, 2006

28 DYLAN SULLIVAN
29 LISA G. SCHLITTNER

30 By: /s/Dylan Sullivan
31 DYLAN SULLIVAN
32 Attorney for Plaintiff
33 ANDREW MARCONI

1 IT IS HEREBY ORDERED

2 1. That the deadline for Defendants to file any dispositive motion shall be extended
3 to and including June 23, 2006.

4 2. Plaintiff's opposition shall be due on July 7, 2006.

5 3. Defendant's reply shall be due on July 14, 2006. **The motion will be deemed**
6 **submitted on the papers upon filing of the reply brief.**

7 /s/ CLAUDIA WILKEN

8 DATED: May 17, 2006

9 CLAUDIA WILKEN

10 United States District Judge